

REMARKS

Applicant has amended the claims 17 through 22. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. In addition Applicant submits that the claims now comply with 35 USC 112 and would not be properly rejected based upon the art of record for the reasons set forth herein below. Accordingly, the rejections of the Final Office Action will be discussed in terms of the claims as amended.

The Examiner is first objecting to the Claim 17 stating that the term “electrically” is misspelled. Applicant has corrected the spelling.

The Examiner rejects the Claim 17 through 22 under 35 U.S.C. 112, second paragraph stating that the phrase “selectively connecting a source of AC and DC voltage directly to said food tray” is indefinite. Applicant has clarified this phrase.

The Examiner further rejected the claims 17 through 22 under 35 U.S.C. 103 as being obvious over Ogawa in view of Ito, stating that Ogawa discloses the claim invention including a shelf in a refrigerator having a food on the shelf having a heat pump to cool the refrigerator/freezer, applying AC and DC voltage simultaneously to the food wherein the DC voltage is negative, further, the voltages can be applied for a set duration of time by use of a timer, such that the voltages can be turned off after a set time following the closing of the freezer door, but is silent as to placing the food on the shelf and cooling the interior of the refrigerator, however one of ordinary skill in the art at the time of the invention would have known it obvious to place the food on the food shelves of Ogawa’s refrigerator, to use the heat pump mechanism of the refrigerator/freezer to cool or freeze the food and to use the disclosed device as intended and further lacks the use of DC voltages that are greater, in a negative sense than minus 180 volts and AC voltages that are between 180 volts and 3500 volts and temperatures of about minus 20°C; Ito discloses the freezing of fish or meat in an electric field and the use of DC voltages of minus 200 to minus 2000 volts and AC voltages of 150 volts and 800 volts and temperatures used in the range from plus 10°C to minus 40°C;

and it would have been obvious to one of ordinary skill in the art to modify Ogawa in view of the teachings of Ito.

In reply to this rejection, Applicant has carefully reviewed Ogawa and respectfully submits that Ogawa discloses either a direct or an alternating current high voltage, but not both at the same time, applied in order to generate an electric field between the electrodes in the food preservation device (see page 4, first paragraph, third to the last line). In addition, Applicant respectfully submits that since the intended function of Ogawa is to produce an electric field and particularly to apply an electric field to the food products, the food products are not electrically connected to the AC and DC voltages through the conductive food trays and a structure different from Applicants' is used. Particularly, in Ogawa the external insulated body case 2 and some of the shelves 3 are set at ground potential and the remaining shelves 4 are alternately set to have a positive or negative potential and the food selves are used to form a high voltage electric field (see page 5, lines 1 to 8 and figure 1 of the translation of Ogawa). In contrast thereto, in Applicant's invention the food products 9 are placed directly on the electrically conductive food trays 2 and are in electrical connection with the food trays 2 and the AC and DC voltages are directly connected to the food tray 2 via AC and DC terminals 11 and 12 and therefore applied not only to the food tray 2 but also to the food products 9 themselves (see figure 1 of Applicants' application).

Applicant has further carefully reviewed Ito and respectfully submits that Ito is substantially the same product and method as Ogawa. In particular, in Ito an electrostatic field is applied to the food product (see the abstract). Also in Ito a vinyl chloride film is applied to the metal shelves 7 to insulate the food 8 from the metal shelf 7. Therefore the food 8 is not connected to the high voltage.

In addition to the above, Applicant respectfully submits that neither Ogawa nor Ito disclose the at least two phased cooling and preserving of the food product which is claimed by Applicant's claims.

Appl. No. 10/567,951
Amdt. Dated June 21, 2011
Reply to Office Action of March 25, 2011


Attorney Docket No. 375462-000001
Customer No.: 73230

In view of the above, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the claims 17 through 22 are not obvious over Ogawa in view of Ito.


In view of the above, Applicant requests that this amendment be entered as part of this Request for Continued Examination (RCE), favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this amendment or required by any further requests for extensions of time to DLA Piper Deposit Account No. 07-1896.

Respectfully submitted,


By: _____
William L. Androlia
Registration No. 27,177

DLA Piper LLP (US)
1999 Avenue of the Stars, Suite 400
Los Angeles, California 90067
Phone: 310-595-3090
Fax: 310-595-3390

Certificate of Transmission	
I hereby certify that this correspondence is being transmitted via U.S. Patent and Trademark Office EFS-Web to the USPTO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on <u>June 21, 2011</u> Date of Deposit <u>William L. Androlia, Reg. No. 27,177</u> Name  Signature <u>June 21, 2011</u> Date	